



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

*Handwritten signature/initials*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,870	07/10/2000	Heikki Rautila	4925-35	9853

7590 04/23/2004

Michael C Stuart  
Cohen Pontani Lieberman & Pavane  
551 Fifth Avenue Suite 1210  
New York, NY 10176

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT PAPER NUMBER

2611

*Handwritten number 8*

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/612,870

**Applicant(s)**

RAUTILA ET AL.

**Examiner**

Dominic D Saltarelli

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2000.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-11, 15 and 16 is/are rejected.  
7) ☒ Claim(s) 12-14 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4, 5, 7.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 5 is objected to because of the following informalities: Claim 5, line 7 reads "receiving in the network server from user data terminals over the network" and should read --receiving in the network server from user data terminals over a network--.

Claim 15 is objected to because of the following informalities: Claim 15, line 2 reads "commentary regarding television program" and should read --commentary regarding the television program--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 line 1 refers to "said supplemental information", and it is unclear if this refers to the "first supplemental information" in claim 1, line 10 or the "second supplemental information" in claim 1, line 12.

Claim 4 lines 2 and 4 refer to "said supplemental information", and it is unclear if these refer to the "first supplemental information" in claim 1, line 10 or the "second supplemental information" in claim 1, line 12.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris et al. (WO 99/04568, submitted by applicant Feb. 25, 2002) [Ferris] in view of Montero (6,133,912) and Payton (5,790,935).

Regarding claim 1, Ferris discloses a method for providing interactive entertainment to a plurality of users (page 1, lines 5-10 and page 15, lines 1-4), each having a television receiver (fig. 3, receiver 405) for receiving program information from a service (page 11, lines 1-8) through a first communication path (fig. 3, from transmitter 404 to receiver 405) and a terminal (fig. 3, remote control device 417) connected to the service through a two-way communication path (page 13, lines 16-24), said method comprising the steps of:

Transmitting television programs to the receivers through the first communication path (col. 11, lines 1-8)

Receiving information (page 12 line 25 – page 13 line 5) in the terminal over the two-way communication path from a server (fig. 3, server 420) descriptive of second supplemental information pertaining to a program (page 6, lines 14-22 and page 23 line 16 – page 25 line 14)

Ferris fails to disclose logging a user into a network server associated with the service through the two-way communication path;

Said server being informed of user preferences; and

Controlling in said server, according to user preferences, transmission to a receiver first supplemental information.

In an analogous art, Montero teaches logging a user (col. 18, lines 25-37) into a network server (fig. 4, headend 320) associated with the service through a two-way communication path (fig. 4, data link 341 is two way, col. 18, lines 43-44, 55-57);

Said server being informed of user profiles (col. 16, lines 47-64, col. 17, lines 3-7, login information, col. 19, lines 47-59); and

Controlling in said server, according to user profiles, transmission to a receiver (fig. 4, television receiving apparatus 350) supplemental information (targeted advertising, col. 20, lines 12-31, and customized sequence information, col. 18, lines 29-42, which is supplemental to broadcast programming, col. 20, lines 38-53, which is selectively broadcast, col. 17, lines 60-65).

Such a system allows user interactions to be monitored and stored for analysis benefiting advertisers (col. 23, lines 38-51, col. 24, lines 38-43, and col. 25, lines 20-25) and permits material delivered to users to be customized for users (col. 17, lines 39-51 and col. 26, lines 15-21).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ferris to include logging a user into a

Art Unit: 2611

network server associated with the service through the two-way communication path, said server being informed of user profiles, and controlling in said server, according to user profiles, transmission to a receiver first supplemental information, as taught by Montero. The reason for doing so would be to allow user viewing habits and interactions to be monitored and stored for analysis benefiting advertisers, informing them what advertisements were watched and providing information to assist in targeting advertisements, and permits material delivered to users to be customized for each user of the interactive entertainment method.

Ferris and Montero fail to disclose the user profiles include user preferences.

In an analogous art, Payton teaches a server (fig. 2, central server 24, col. 4, lines 55-57) that receives user preferences (user likes and dislikes, col. 5, lines 6-12, col. 6, lines 9-11, 51-55), using these preferences to predict what a user most likely wants to see (col. 5, lines 12-21).

It would have been obvious at the time to a person of ordinary skill in the art to further modify the method disclosed by Ferris and Montero to include user preferences, as taught by Payton. The reason for doing so is to deliver information based on user preferences so that the information delivered corresponds to what the user most likely wants to see.

Art Unit: 2611

Regarding claim 3, Ferris, Montero, and Payton disclose the method of claim 1, and further disclose the supplemental information is further determined according to time of transmission of a television program (Ferris, supplemental information is time synchronized with television broadcasts, page 11 line 26 – page 12 line 9).

6. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris, Monero, and Payton, as applied to claim 1 above, and further in view of Lett (5,539,822).

Regarding claim 2, user preferences are described in the disclosure as not only persistent information, but volatile information such as user participation, page 4, lines 9-12 and page 7, lines 4-11, including voting, page 9, lines 16-21.

Thus, regarding claim 2, Ferris, Montero, and Payton disclose the method of claim 1, and additionally disclose user preferences (Ferris, user voting preference, fig. 2D) are input through a terminal (Ferris, fig. 3, terminal 417) to the server in conjunction with current program content (Ferris, page 24, lines 6-17), but fail to disclose this partially alters current program content provided to the user.

In an analogous art, Lett teaches an interactive television broadcast system (col. 16, lines 2-14) wherein current program content provided to a user is partially altered in response to input user preference information (results of a user poll, col. 18, lines 36-43), which only partially alters broadcast content

(overlay, col. 16, lines 33-36), allowing the results of transmitted user preferences to be displayed to a user (col. 18, lines 59-67).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ferris, Montero, and Payton, to include partially altering current program content provided to the user, as taught by Lett. The reason for doing so is to display the results of transmitted user preferences to the user of the interactive television method.

Regarding claim 4, Ferris, Montero, Payton, and Lett disclose the method of claim 2, and further disclose said supplemental information elicits a vote from a user (Ferris, fig. 2D, page 24, lines 14-17), said user preferences input through a terminal (Ferris, fig. 3, terminal 417) include a user's vote (Ferris, page 24, lines 14-17), and said supplemental information subsequently includes information descriptive of user's voting (Lett, col. 18, lines 36-67).

7. Claim 5, 8, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris in view of Montero and Blahut et al. (5,442,389) [Blahut].

Regarding claim 5, Ferris discloses a method of providing interactive video (col. 15, lines 1-4) and data displays (figs. 2A-2L, page 23, lines 3-15) to each of a plurality of users, each having a television receiver (fig. 3, receiver 405) and a data terminal (fig. 3, terminal 417), in accordance with information provided by each user through a data terminal (page 15, lines 1-4), comprising the steps of:



Maintaining, in association with a network server (fig. 3, server 420), a first database (fig. 3, database 410) of information for each user (page 19, lines 14-17) including identification (user's name, page 15, lines 11-12), address information (user's address, page 15, lines 11-12), financial information (credit card details, page 14, lines 17-22), and demographic information (age, sex, geographic location, stored in 410, page 19, lines 11-19);

Receiving in the network server from user data terminals over a network current preference information (user purchasing preference, page 23, lines 16-26, user voting preference, page 24, lines 6-17, user gambling preference, page 25, lines 7-14)

Sending a message from the network server over the network for display on a user's terminal (fig. 2B, page 24, lines 6-13).

Ferris fails to disclose receiving in the network server from user data terminals over a network and maintaining in a second database, for each user, registration information indicating current activity and current preference information, and modifying content of television programming according to current content of said first database and said second database.

In an analogous art, Montero teaches a network server (fig. 4, headend 320) which receives from user data terminals (fig. 4, television receiving apparatus 350) and maintains in a second database (fig. 4, session usage database 515, col. 19, lines 47-64) registration information (col. 19, lines 52-59) indicating current activity (col. 24, lines 33-40), and modifying content of

Art Unit: 2611

television programming according to current content of a first database (fig. 4, profile database 325) and said second database (sequence information is generated based both on profile, col. 17, lines 39-41, and registration information, col. 20, lines 12-14), allowing accurately customized content to be transmitted to user's tailored by both the user's profile and more immediate information, such as geographic location and time zone (col. 20, lines 12-31).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ferris to include receiving in the network server from user data terminals over a network and maintaining in a second database, for each user, registration information indicating current activity, and modifying content of television programming according to current content of said first database and said second database, as taught by Montero. The reason for doing so is to accurately customize content to be transmitted to the user of the interactive television method that is tailored by both the user's profile and more immediate information, such as the user's geographic location and time zone.

Ferris and Montero fail to disclose receiving current preference information.

In an analogous art, Blahut teaches an interactive television system (col. 18, lines 16-20) wherein current preference information (desired language for a movie subtitle, col. 18, lines 36-41) is transmitted from a subscriber to a server (fig. 1, server 100, col. 18, lines 21-29), wherein said information is used to

Art Unit: 2611

modify the content of programming to the subscriber (col. 18, lines 36-45), allowing subscribers to modify received content in real time.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ferris and Montero to include receiving current preference information, as taught by Blahut. The reason for doing so is to also allow user's to modify received content of television programming according to current preference information, enhancing the functionality of the interactive television method.

Regarding claim 8, Ferris, Montero, and Blahut disclose the method of claim 5, and further disclose the information provided by a user includes a request for additional information regarding television content (Ferris, page 14, lines 26-27) the user is registered as viewing (Montero, col. 24, lines 33-40), and wherein the network server (Ferris, fig. 3, central processing station 420) arranges for additional information to be mailed to the user (Ferris, page 15, lines 11-12) at an address retrieved from the first database (Ferris, fig. 3, user database 410).

Regarding claim 10, Ferris, Montero, and Blahut disclose the method of claim 5, and further disclose the information provided by a user includes a request to purchase an item (Ferris, page 24, lines 6-13) currently featured in television content (Ferris, fig. 2B) the user is registered as viewing (users log in

Art Unit: 2611

and their viewing habits and interactions are actively monitored, Montero, col. 19, lines 41-54 and col. 24, lines 33-40), and wherein the network server (Ferris, fig. 3, central processing station 420) arranges for the item to be shipped to the user (using user's name and address, page 15, lines 11-12, for a purchase) and arranges to debit the user for cost of the item from a financial account according (credit card information is on file, page 14, lines 17-22) to the first database (Ferris, database 410).

Regarding claim 16, Ferris discloses a system for providing interactive video (col. 15, lines 1-4) and data displays (figs. 2A-2L, page 23, lines 3-15) to each of a plurality of users, comprising:

A television receiver associated with each user (fig. 3, receiver 405);

A data terminal associated with each user (fig. 3, terminal 417);

A network server (fig. 3, central processing station 420);

A network for connecting the data terminals to the network server (radio service, 415, 417); and

A first database (fig. 3, user database 410) associated with the network server for storing persistent information descriptive of each user (page 14, lines 14-22 and page 19, lines 14-19).

Ferris fails to disclose:

A second database associated with the network server for storing current preference information submitted by users;

The network server operable to modify television program being transmitted to users;

Whereby the network server, responsive to said first and second databases and to current requests from users, provides interactive displays on users' terminals and adapts television programming interactively.

In an analogous art, Montero teaches a network server (fig. 4, headend 320) which receives from user data terminals (fig. 4, television receiving apparatus 350) and maintains in a second database (fig. 4, session usage database 515, col. 19, lines 47-64) current user information, and the network server modifies content of television programming (programs are provided with additional, sequence, information which modifies what is displayed, col. 20, lines 38-53) according to current content of a first database (fig. 4, profile database 325) and said second database (sequence information is generated based both on profile, col. 17, lines 39-41, and registration information, col. 20, lines 12-14), allowing accurately customized content to be transmitted to user's tailored by both the user's profile and more immediate information, such as geographic location and time zone (col. 20, lines 25-31), wherein said modified television programming includes interactive displays (col. 20 line 62 – col. 21 line 22).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Ferris to include a second database associated with the network server for storing current information submitted by users, the network server operable to modify television program being

Art Unit: 2611

transmitted to users, whereby the network server, responsive to said first and second databases, provides interactive displays on users' terminals, as taught by Montero. The reason for doing so is to allow accurately customized interactive content to be transmitted to users of the interactive video system, which is tailored by both the user's profile and more immediate information, such as geographic location and time zone.

Ferris and Montero fail to disclose current preference information submitted by users is stored, and the network server, responsive to current requests from users, and adapts television programming interactively.

In an analogous art, Blahut teaches an interactive television system (col. 18, lines 16-20) wherein current preference information (desired language for a movie subtitle, col. 18, lines 36-41) is transmitted from a subscriber to a server (fig. 1, server 100, col. 18, lines 21-29), wherein said information is used to interactively modify the content of programming to the subscriber (col. 18, lines 36-45), allowing subscribers to modify received content in real time.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ferris and Montero to include receiving current preference information, as taught by Blahut. The reason for doing so is to also allow user's to modify received content of television programming according to current preference information, enhancing the functionality of the interactive video system.

Art Unit: 2611

8. Claim 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris, Montero, and Blahut as applied to claim 5 above, and further in view of Rosser (6,446,261).

Regarding claim 6, Ferris, Montero, and Blahut disclose the method of claim 5, but fail to disclose the step of modifying content of television programming comprises:

Determining according to current registrations in conjunction with said demographic information a determined preponderant demographic group currently viewing a television program; and

Replacing advertisements in the television program with advertisements predetermined to be targeted at said determined preponderant demographic group.

In an analogous art, Rosser teaches a television distribution method (col. 6, lines 11-20) wherein a determined preponderant demographic group (all the people who meet an advertiser's requirements, col. 13, lines 57-63) watching a particular program (col. 12 line 55 – col. 13 line 4) is determined according to current registrations (known viewers of a program, the viewing population, col. 12, lines 55-60) in conjunction with demographic information (col. 12 line 60 – col. 13 line 2), and replacing advertisements in the television program with advertisements predetermined to be targeted at said preponderant demographic group (col. 13, lines 34-58), allowing an advertiser to target their advertisement to the demographic group they are most interested.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ferris, Montero, and Blahut to include determining according to current registrations in conjunction with said demographic information a determined preponderant demographic group currently viewing a television program; and replacing advertisements in the television program with advertisements predetermined to be targeted at said determined preponderant demographic group, as taught by Rosser. The reason for doing so is to allow an advertiser to target their advertisement to the demographic group they are most interested that is a part of the viewing audience of the interactive entertainment method.

Regarding claim 7, Ferris, Montero, and Blahut disclose the method of claim 5, but fail to disclose the step of modifying content of television programming comprises:

Determining according to current registrations in conjunction with demographic information a determined plurality of demographic groups watching a particular program;

For each of said determined plurality of demographic groups exceeding in size a predetermined threshold, replacing advertisements in the television program as transmitted via satellite transmission with advertisements predetermined to be targeted at each demographic group and inserting control



information in the television transmission for instructing user's set top boxes to extract and forward information targeted at the demographic group.

In an analogous art, Rosser teaches a television distribution method (col. 6, lines 11-20) wherein a determined plurality (col. 13, lines 6-12) of demographic groups watching a particular program (col. 12 line 55 – col. 13 line 4) is determined according to current registrations (known viewers of a program, the viewing population, col. 12, lines 55-60) in conjunction with demographic information (col. 12 line 60 – col. 13 line 2); and

For each of said determined plurality of demographic groups exceeding in size a predetermined threshold (audience segments, col. 13, lines 4-12), replacing advertisements in the television program (col. 13, lines 13-41) as transmitted via satellite transmission (col. 13, lines 10-12) with advertisements predetermined to be targeted at each demographic group (col. 13, lines 49-63) and inserting control information in the television transmission (usage profile keys, col. 7, lines 46-58) for instructing user's set top boxes (fig. 1, set top 44) to extract and forward information (col. 7, lines 46-51) in conjunction with demographic information (user profile, col. 7, lines 51-58), allowing a broadcaster to actively sell advertising time to advertisers that is specifically targeted to particular demographic groups (col. 13, lines 4-12).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ferris, Montero, and Blahut to include determining according to current registrations in conjunction with demographic

information a determined plurality of demographic groups watching a particular program, for each of said determined plurality of demographic groups exceeding in size a predetermined threshold, replacing advertisements in the television program as transmitted via satellite transmission with advertisements predetermined to be targeted at each demographic group and inserting control information in the television transmission for instructing user's set top boxes to extract and forward information targeted at the demographic group, as taught by Rosser. The reason for doing so is to allow the broadcaster of the interactive television method to actively sell advertising time to advertisers that is specifically targeted to particular demographic groups.

Regarding claim 9, Ferris, Montero, and Blahut disclose the method of claim 5, and further disclose information provided by a user (Montero, clicked events, col. 24, lines 33-51) includes requests for additional information regarding television content (Montero, additional information of displayed merchandise, col. 21, lines 1-4) the user is registered as viewing (Montero, viewing of advertisements is monitored, col. 23, lines 38-51), and additionally disclose the transmission is by cable or satellite (Ferris, page 11, lines 1-8), but fail to disclose wherein the network server appends such additional information to the television transmission for viewing.

In an analogous art, Rosser teaches a television distribution method (col. 6, lines 11-20) wherein additional information (graphic or video, col. 7, lines 5-10)

is appended to a television transmission by a network server (central studio site 34) for viewing (insertion into viewing devices, col. 7, lines 46-58), displaying the additional information coincidentally with broadcast information in real time (col. 7, lines 34-45), making it seem like part of the original broadcast.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ferris, Montero, and Blahut to include the network server appends the additional information to the television transmission for viewing, as taught by Rosser. The reason for doing so is to display the additional information coincidental with broadcast information, making it seem like part of the original broadcast to the user of the interactive method.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris, Montero, and Blahut as applied to claim 5 above, and further in view of Scagnelli et al. (5,415,416) [Scagnelli].

Regarding claim 11, Ferris, Montero, and Blahut disclose the method of claim 5, and further disclose the information provided by a user includes a request to participate in an interactive wager (Ferris, fig. 2G, page 25, lines 7-14), and wherein the network server (Ferris, fig. 3, central processing station 420):

Prompts the user to place a bet (page 25, lines 9-10); and

Debits the user for participating in the wager from a financial account according to the first database (wagering is a financial transaction, Ferris, page 14, lines 17-22); and

Enters the user in the wager (the point of the process).

Ferris, Montero, and Blahut fail to disclose the user is participating in a lottery wherein user selected lottery numbers are validated and user participation is confirmed with a message.

In an analogous art, Scagnelli teaches an interactive lottery method (col. 3, lines 20-22) wherein a user is prompted to select lottery numbers (figs. 5 and 5B, VRU requests callers numbers) and the lottery numbers are validated (figs. 5 and 5B, confirmation steps), and user participation is confirmed with a message (fig. 5B, final response from VRU), allowing players to remotely participate in the lottery of their choice.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ferris, Montero, and Blahut to include the choice for users to participate in a lottery wherein user selected lottery numbers are validated and user participation is confirmed with a message, as taught by Scagnelli. The reason for doing so is to enhance to the interactive features to the interactive entertainment method by allowing users to also participate in a lottery.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris, Montero, and Blahut as applied to claim 5 above, and further in view of Harrison (5,694,163).

Regarding claim 15, Ferris, Montero, and Blahut disclose the method of claim 5, but fail to disclose the information provided by a user includes

commentary regarding the television program the user is registered as viewing, and wherein the network server forwards messages for displaying a user's commentary to other users registered as viewing the same program.

In an analogous art, Harrison teaches a television broadcast network (col. 3, lines 53-55) wherein user's can chat with other user's over a television broadcast signal (col. 6, lines 40-49), negating the need to pay for telephone line connections for chat service (col. 3, lines 28-34) and allowing user's who are not participating in the chat to still view what is being said (col. 3, lines 12-34).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ferris, Montero, and Blahut to include user commentary regarding the television program the user is registered as viewing (all user interaction are monitored, Montero, col. 24, line 33-40), and wherein the network server forwards messages for displaying a user's commentary to other users registered as viewing the same program, as taught by Harrison. The reason for doing so is to negate the need to pay for telephone line connections for chat service and allow all users of the interactive entertainment method watching the same channel to see what commentary is being input by other users.

***Allowable Subject Matter***

Art Unit: 2611

11. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morales (5,036,389) who discloses interactive audience polls with viewer feedback over a satellite television system.

Story (5,673,430) who discloses a broadcast optimization method using viewer profiles.

Wharton et al. (5,831,664) who discloses synchronizing data between a mobile data terminal and a television.

Liebenow (6,530,083) who discloses adjusting the setting of an information system based on the combined user profile of a plurality of active users.

Ota et al. (6,198,478) who discloses adjusting the output of an interactive television headend based on the activities of the majority of registered viewers.

13. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually

Art Unit: 2611

depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Art Unit: 2611

## **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_.  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

## **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_



Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS



VIVEK SRIVASTAVA  
PRIMARY EXAMINER